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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of:

Policies and Rules for
Licensing Fallow 800 MHz
Specialized Mobile Radio
Spectrum Through a Competitive
Bidding Process

RM-7985

ORIGINAL
FILE

Comments of the
Telecommunications Industry Association
Land Mobile Section

The Land Mobile Section (hereinafter the "Section") of the Telecommunications Industry Association (TIA) is pleased to submit these Comments on behalf of its membership in the above-captioned Petition for Rulemaking. The Section represents manufacturers and suppliers of telecommunications equipment used primarily by licensees in the private land mobile radio services. Moreover, TIA develops and produces technical standards for these products and their related systems.

Respectfully submitted by:



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Introduction

The Land Mobile Section of TIA supports efforts of SMR operators to implement more efficient technologies. The growing needs of private land mobile users will require more efficient systems in existing bands, as well as additional spectrum allocations to support implementation of emerging wireless technologies which will be required by U.S. businesses to stay competitive in an increasingly global market. In major urban areas, all channels are already assigned and even efficiency improvements envisioned by Fleet Call will not be sufficient to support the penetration of emerging wireless fax, data and video technologies and applications which will emerge over the next several years. Even in the smaller markets addressed by the instant Petition, the degree of channel "availability" Fleet Call portrays appears to be overstated.

While the Section supports implementation of more efficient technologies by Fleet Call and others, it strongly opposes using auctions to assign licenses and freezing expansion of successful existing analog systems as recommended in the Fleet Call petition. These and other issues are addressed more fully in the following sections of these comments.

1. TIA opposes spectrum auctions.

TIA Land Mobile Section opposes the institution of spectrum auctions. In 1991, TIA as well as several other industry organizations including AMTA (formerly ASNA), FIT, LMCC, NABER, NTCA, OPASTCO, GE, SIRSA, and Telocator went on record and opposed "any proposal which would authorize the Federal Communications Commission to auction the electromagnetic spectrum." In a letter to Senator Inouye and Representative Markey on April 26, 1991, these organization stated that "such a proposal equates the public interest with the ability of a particular entity to pay the highest price and would be unfair...Additionally, the burden of paying those increased costs would fall on communications users and would particularly harm small and rural business customers and licensees."

Spectrum auctions would seriously undermine national telecommunications policy and deprive the American public of benefits arising from the introduction of new and innovative communications technologies. The added expense of purchasing a license at auction is likely to discourage companies from implementing new leading edge technologies whose market potential may not yet be proven. To the extent that auctions operate to deter or delay the introduction of new technologies and services, consumer welfare and the vitality of the telecommunications industry is diminished, and opportunities to increase employment and enhance our economy as a whole are lost.

2. Requiring interoperability may not be in the public interest.

TIA Land Mobile Section believes that with respect to acquisition of innovator block channels, applicants should not be bound by specific system architecture or system interoperability requirements. Decisions regarding technology/equipment generally are best made in the marketplace. SMR operators are in the best position to choose the technology that offers their customers attractive services at reasonable cost. The degree of interoperability and provisions for roaming required are decisions best left to the SMR industry.

3. Existing users must be exempt from any licensing freeze.

If the FCC feels that speculators will go after the channels listed in the innovator blocks (which are not yet designated), existing licensees should be exempt from the freeze. Existing licensees and manufacturers understand the value of these markets, have made investments in facilities and equipment, and even created new businesses (jobs). Legitimate SMR users and operators should not be deprived of spectrum because of FCC's fear of speculators.

4. Other spectrum users that are legitimately licensed by the FCC must not be adversely impacted.

The Petition claims that "no existing licensee will be adversely impacted." Contrary to this statement, the freeze recommended in the Petition could not only adversely impact SMRS, but may also adversely impact other non-SMRS licensees.

5.

The Commission's rules provide that channels in the Industrial/Land Transportation and Business Pools will be available to fully loaded SMR systems if no SMRS category frequencies are available. (See 90.621(g)(2)). Obviously, if the SMR channels are classified as "innovator blocks", and in some markets the innovator blocks would encompass all of the available channels, then SMRS would look to the other categories for channels. Industrial or Business pool users should not be deprived of channels because SMR digital networks have acquired all of the SMR channels. Analog SMR operators will be desperate for channels to expand their systems, and will look to the other pools to obtain channels. If the FCC decides to establish innovator blocks which remove all available SMR channels, non-SMR 800 MHz licensees such as businesses and utilities therefore could also be adversely impacted.

5. Further definition of the "innovator block" channels is required.

Fleet Call's Petition indicates that an "optimum innovator block" would have 105 analog channels. Any frequency not assigned within 55 miles of the core area of the MSA is considered available for assignment within the MSA taking into account the co-channel short space provisions of Section 90.621(b) of the Rules. Fleet Call suggests that the Commission not grant any additional licenses in the innovator block channels, pending the selection by competitive bidding of an innovator block licensee, to prevent speculators from under cutting the purpose of the innovator block concept.

As noted above, TIA opposes both competitive bidding and a freeze on licensing. As the Commission moves forward with the innovator block concept to encourage implementation of more efficient technology, the channel availability information submitted by Fleet Call must be verified. The petition appears to have neglected the current provisions regarding 806-821/851-866 MHz band channel availability in the U.S./Canadian and U.S./Mexican border areas. For example, all but 49 of the 125 channels Fleet Call lists as "available" in Flint, Michigan are unassignable in the U.S. under the current rules.

Furthermore, in some markets the degree of channel availability appears to be very closely tied to the specific coordinates Fleet Call chose for its study. Relatively minor variations in those coordinates significantly reduce the number of channels "available" under the co-channel shortspace protection requirements referenced by Fleet Call. Severe restrictions on the site location(s) which can be used for innovator block channels in each market could significantly hamper implementation of more efficient technologies.

6. Summary

The TIA Land Mobile Section supports implementation of more efficient technologies by SMR operators such as Fleet Call. Such technologies, in conjunction with additional private land mobile allocations, will be absolutely necessary to support wireless telecommunications requirements of the nation's businesses in the increasingly competitive global market. However, the Section strongly opposes auctions and their inherent disadvantages for most SMR operators and end users. The Section also opposes Fleet Call's recommendation to freeze licensing on unassigned channels pending the outcome of this rulemaking as doing so would prevent successful operators of current systems from legitimately expanding their systems. To provide a real opportunity to implement more efficient systems, the Commission must verify channel availability over a broader area of each market than the single site referenced by Fleet Call in its Petition. Finally, the Land Mobile Section of the TIA believes decisions regarding technology/equipment best be made by the market, rather than by the Commission.